

SENATE JOURNAL

Forty-first Legislature—Regular Session

FIRST DAY.

Senate Chamber,
Austin, Texas,
Tuesday, January 8, 1929.

The Senate met at 12 o'clock noon, and was called to order by Lieutenant Governor Barry Miller.

The Senate rose while the invocation was delivered by the Rev. W. H. Doss.

Temporary Officers.

The Chair announced the appointment of the following temporary officers:

Bob Barker, Secretary; Wendell O'Neal, Journal Clerk; A. W. Holt, Sergeant-at-Arms; Warren Freund, Doorkeeper.

Roll Call of Holdover Senators.

The Secretary was instructed by the Lieutenant Governor to call the roll of holdover Senators. The roll call was as follows:

Greer.	Neal.
Holbrook.	Parr.
Love.	Russek.
McFarlane.	Westbrook.
Miller.	Wirtz.
Moore.	Woodward.

Certificate of New Senators.

The Secretary was instructed to call the roll of newly elected Senators, as furnished by the Secretary of State. The roll call was as follows:

District No. 1—J. W. E. H. Beck, DeKalb, Texas.

District No. 3—W. E. Thomason, Nacogdoches, Texas.

District No. 5—Nat Patton, Crockett, Texas.

District No. 7—Thomas G. Poliard, Tyler, Texas.

District No. 8—T. A. DeBerry, Bogata, Texas.

District No. 12—Will M. Martin, Hillsboro, Texas.

District No. 13—Edgar E. Witt, Waco, Texas.

District No. 14—Chas. S. Gainer, Bryan, Texas.

District No. 16—Walter Woodul, Houston, Texas.

District No. 18—John W. Stevenson, Victoria, Texas.

District No. 20—John W. Hornsby, Austin, Texas.

District No. 21—Carl C. Hardin, Stephenville, Texas.

District 24—Oliver Cunningham, Abilene, Texas.

District No. 26—W. A. Williamson, San Antonio, Texas.

District No. 28—Julien C. Hyer, Fort Worth, Texas.

District No. 29—Benjamin Franklin Berkeley, Alpine, Texas.

District No. 30—Pink L. Parrish, Lubbock, Texas.

District No. 31—C. C. Small, Wellington, Texas.

The State of Texas,
Department of State.

I, Jane Y. McCallum, Secretary of State of the State of Texas, do hereby certify that the attached list of names represents a true and correct list of the Senators whose election has been certified to this Department in accordance with the law as having been duly elected at the general election held in this State on November 6, 1928.

(Seal) JANE Y. McCALLUM,
Secretary of State.

New Senators Sworn In.

The Lieutenant Governor instructed the Sergeant-at-Arms to conduct the newly elected members to the bar of the Senate Chamber, where they were administered the oath of office by the Lieutenant Governor.

Senate at Ease.

The Lieutenant Governor announced that the caucus report was not ready.

Senator Wirtz moved that the Senate stand at ease, subject to the call of the Chair. The motion carried.

Caucus Report.

Senator Parr sent up the following report of the Senate caucus:

Senate Chamber,
Austin, Texas, January 8, 1929.
Hon. Barry Miller, Lieutenant Governor:

A caucus was held in the office of the Senate, attended by thirty (30) Senators-elect, and by unanimous vote of those present it was agreed that those Senators present holding proxies for those Senators absent could cast said proxies.

The purpose of the caucus was to determine the number and personnel of the Senate officers and employees for the ensuing Regular Session of the Forty-first Legislature. Senator Parr was elected Chairman of the caucus, and Senator Pollard was elected Secretary.

The following officers and employees were recommended as officers and employees of the Senate during the Regular Session of the Forty-first Legislature:

Secretary: Bob Barker.

Assistant Secretary: Morris Hankins.

Journal Clerk: Wendell O'Neal.

Assistant Journal Clerk: Tilden Childs.

Second Assistant Journal Clerk: Miss Gladys Ash.

Sergeant-at-Arms: Capt. Albert Holt.

First Assistant Sergeant-at-Arms: Gordie Brown.

Second Assistant Sergeant-at-Arms: Robt. Lee McDougal.

Third Assistant Sergeant-at-Arms: Tom McClendon.

Fourth Assistant Sergeant-at-Arms: Jim Adams.

Fifth Assistant Sergeant-at-Arms: Hugh Marshall.

Sixth Assistant Sergeant-at-Arms: J. C. Adrain.

Seventh Assistant Sergeant-at-Arms: Boyd Rhea.

Night Sergeant-at-arms: W. P. Midkiff.

Calendar Clerk: W. V. Hower-ton.

Assistant Calendar Clerks: Miss Grace Jennings, Miss Jaunita Wills.

Mailing Clerk: Mrs. Ann Polglass.

First Assistant Mailing Clerk: Mrs. W. M. Roberts.

Second Assistant Mailing Clerk: Mrs. Estelle R. Gardner.

Third Assistant Mailing Clerk: Miss Mary Francis Root.

Fourth Assistant Mailing Clerk: W. A. Harper.

Fifth Assistant Mailing Clerk: Mrs. Mae Elliott.

Librarian: Miss Theodosia Bell.

Postmistress: Mrs. M. B. Brown.

Chaplain: Rev. W. H. Doss.

Notary Clerk: William Connerly.

Assistant Notary Clerk: L. B. Barkley.

Second Assistant Notary Clerk: Bob Payne.

Messengers, two: Sam Tigner and A. W. Mitchell. (Each to receive \$2.50 per day.)

Telephone Operator: Miss Mary Jacobs.

Assistant Telephone Operator: Miss Ardis Phillips.

Doorkeeper: Warren S. Freund.

Assistant Doorkeeper: Everett Boyd.

Second Assistant Doorkeeper: Carey Thompson.

Third Assistant Doorkeeper: A. P. Bagby.

Fourth Assistant Doorkeeper: Jack Boyett.

Fifth Assistant Doorkeeper: Eugene Digges, Jr.

Sixth Assistant Doorkeeper: Walter Dougherty.

General Custodian of the Senate: C. K. Walters.

General Stenographer as assistant to all Senators and to Lieutenant Governor: A. M. Birch.

The Lieutenant Governor and Senators are hereby fully authorized and empowered to use all Assistant Sergeant-at-Arms, Assistant Mailing Clerks, and Assistant Doorkeepers for any and all purposes they desire.

The Lieutenant Governor is authorized to appoint an elevator boy to serve at night and on Sunday, said elevator boy to receive \$4.00 per day.

It is further recommended that the Chairman of the Enrolling and Engrossing Committees be authorized to employ Enrolling and Engrossing Clerks, and such assistants as necessary, and that their appointments be referred to the Senate for confirmation. And that the Enrolling and Engrossing Clerk shall receive \$10.00 per day for his services, and assistants \$5.00 per day.

It is further recommended that each Senator be permitted to name one stenographer, and that such em-

ployee act as clerk of each committee of which said Senator shall be Chairman, save and except that this does not apply to the Chairman of the Finance Committee, and the Finance Committee.

It is further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary.

It is further recommended that the compensation of officers and employees named, except as otherwise expressly provided, shall receive \$5.00 per day, except that the Secretary of the Senate, the Journal Clerk, the Calendar Clerk, and the Sergeant-at-Arms shall receive \$10.00 per day, and except further that the pages shall receive \$3.00 per day, and porters shall receive \$3.00 per day each, the head porter and porter carrying mail \$4.00 per day each.

It is further recommended that the Lieutenant Governor be authorized to use any of the employees needed for any other work in the Senate where their services may be required, in the judgment of the Lieutenant Governor.

It is further recommended that the Lieutenant Governor be permitted to select a Secretary and an Assistant Secretary and personal messenger, and that their salaries be the same as during the Fortieth Legislature.

It is further recommended that the Senators be given such time as they desire to name their personal appointments and that such appointments be made by handing the names of such appointees to the Secretary of the Senate.

It is further recommended that 2000 daily Journals be printed and that the same be prorated among the Senators and the Lieutenant Governor, except that 300 shall be furnished the members of the House.

It is further recommended that the Sergeant-at-arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rental not to exceed \$4.00 per month per machine.

It is further recommended that the Lieutenant Governor and each Senator be allowed the stationery and postage needed by them respectively, and be allowed expenses incurred in the transmitting and

receiving of telephone messages and telegraph messages and expenses that may be actually necessary in the discharge of his official duty.

It is further recommended that the Chairman of the Finance Committee be authorized to appoint a clerk to the Finance Committee, at a salary of \$10.00 per day, and an assistant clerk at a salary of \$7.50 per day.

It is further recommended that each Senator and the Lieutenant Governor be permitted to subscribe to five daily papers, to be paid for out of the contingent fund.

PARR, Chairman.

POLLARD, Secretary.

The report was read, and on motion of Senator Parr the Secretary cast the vote of the Senate for said report, and the report was adopted.

Officers Sworn In.

The Chair instructed the Sergeant-at-Arms to conduct the newly elected officers to the bar of the Senate Chamber, where they were administered the oath of office by the Chair.

Appointments Announced.

The Chair announced the following appointments:

T. L. Wheeler, Private Secretary; Cara Burgin, Assistant Secretary; Chas. Weddington, elevator boy.

President Pro Tem. Elected.

Senator Wirtz nominated Senator Russek for the office of President Pro Tem.

The nomination was seconded by Senators Holbrook and Miller.

Senator Witt nominated Senator Woodward for the office of President Pro Tem.

The nomination was seconded by Senators Neal, Small, Parrish and Love.

The Chair appointed Senators Witt, Wirtz and Martin to distribute and count the ballots.

The Chair announced that Senator Woodward received 16 votes and Senator Russek 14 votes.

Senator Woodward Sworn In.

The Chair appointed Senators Russek, Witt and Parrish as a committee to escort Senator Woodward

to the bar of the Senate, where he was sworn in as President Pro Tem. of the Senate for the Regular Session of the Forty-first Legislature.

The Chair introduced Senator Woodward, who briefly expressed his appreciation of the honor conferred upon him.

Simple Resolution No. 1.

Senator Wirtz sent up the following resolution:

Be it Resolved, That the members of the Senate of the Forty-first Legislature be, and they are permitted to retain the seats and desks which they formerly occupied during previous sessions of the Senate, the newly elected members to occupy the seats and desks occupied by their predecessors; provided, however, that any Senators may agree among themselves for exchange of seats and desks when they so desire.

The resolution was read and adopted.

Simple Resolution No. 2.

Senator Wirtz sent up the following resolution:

Be it Resolved, That the Senate rules adopted by the Fortieth Legislature be, and they are hereby adopted as the temporary rules for the Senate of the Forty-first Legislature now assembled, and that the rules thus temporarily adopted shall prevail until otherwise ordered by the Senate.

The resolution was read and adopted.

Senate Concurrent Resolution No. 1.

Senator Wirtz sent up the following resolution, which was read and adopted:

Be it Resolved, By the Senate of Texas, the House of Representatives concurring, that the joint rules of the Senate and House adopted by the Fortieth Legislature be adopted as the joint rules of the Senate and House of the Forty-first Legislature until amended or changed by action of both the Senate and the House.

Simple Resolution No. 3.

Senator Wirtz sent up the following resolution, which was read and adopted:

Be it Resolved, That the President of the Senate appoint a com-

mittee of three Senators to notify the Governor that the Senate has completed its organization and is ready to receive from him such messages as he may deem fit to transmit to it.

Be it further Resolved, That the President of the Senate appoint a committee of three Senators to inform the House of Representatives that the Senate has completed its organization and is now ready to proceed to business.

Committees Appointed.

In concurrence with S. R. No. 3, the Chair appointed the following committees:

To notify the Governor: Senators Woodward, Witt, and Hardin.

To notify the House: Senators DeBerry, Stevenson, and Small.

Simple Resolution No. 4.

Senator Holbrook sent up the following resolution, which was read and adopted:

Whereas, Senator Henry F. Triplett, the late Senator from the Fourth Senatorial District, has departed this life, thereby creating a vacancy in said district, and

Whereas, There is a great deal of correspondence and other matters that should be looked after for this district until the election of a Senator, and

Whereas, Mrs. Bessie Pierce has been the secretary to the late Senator Triplett and is thoroughly conversant with conditions in the district which should be looked after between now and the election of a Senator; therefore be it

Resolved, That Mrs. Pierce be and she is hereby employed to continue the work of attending to all communications of the district and other matters pertaining to the needs of said district between now and the election of said Senator. It is hereby ordered by the Senate that Mrs. Pierce be placed upon the pay roll at the regular amount of five dollars per day during said time.

Holbrook, Greer, Wirtz, Stevenson.

Employees Announced.

The Chair announced the following appointments:

Pages.

Page to Lieutenant Governor, Chas. Pratt; page to Sergeant-at-Arms, Mike Henderson; page to Calendar Clerk, Herman Maddox.

General Pages.

Prentiss Burkett, John H. Trigg, Z. G. Neal, Erwin Eilers, M. A. Morgan, Milton Coffey, Jack Cowley, J. Elwood Brown, Jack Crane, Ted Harper, Danny Thomason, Jack Corbitt, Junius Hutton, Martin Wukash, Hewett Davis, Pete Campbell.

Porters.

Head porter, Jim Jackson; mail Porter, Tom Burton; Booze Harris, Buck Green, Sam Grant, Fred Rambeau, Charley Jackson.

Simple Resolution No. 5.

Senator Parr sent up the following resolution, which was read and adopted:

Resolved, That L. C. Sutton be appointed to same position he held in last Legislature and at same pay.

Parr, Russek, Small, McFarlane, Martin, Parrish, Hardin, Beck, Woodul, Wirtz, Stevenson, Neal, Miller, Thomason, DeBerry, Hornsby, Love, Holbrook, Westbrook, Cunningham, Witt, Gainer, Woodward, Patton, Moore, Berkeley, Greer, Williamson, Pollard, Hyer.

Bills and Resolutions.

By Senator Pollard:

S. B. No. 1, A bill to be entitled "An Act appropriating \$185,000.00 for mileage and per diem expenses of the Forty-first Legislature, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two-year period beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 3, A bill to be entitled

"An Act declaring the permanent policy of the people of Texas and the Legislature thereof with reference to public free schools, and for the purpose of promoting the public school interests of Texas, etc."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 4, A bill to be entitled "An Act making appropriations for the support and maintenance of the State Government for the two-year period beginning September 1, 1929, and ending August 31, 1931, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 5, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 6, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, and declaring an emergency."

Read first time and referred to Committee on Finance.

Committee Appointments.

The Chair announced the appointment of the following standing committees:

Agricultural Affairs: Cunningham, Chairman; Gainer, Vice-Chairman; McFarlane, Patton, Small, Westbrook, Williamson.

Banking: Russek, Chairman; Holbrook, Vice-Chairman; Beck, Berkeley, Miller, Hornsby, Parrish, Thomason, Wirtz.

Civil Jurisprudence: Woodward, Chairman; Small, Vice-Chairman; Cunningham, Hyer, Love, McFarlane, Martin, Miller, Westbrook, Wirtz, Woodul.

Counties and County Boundaries: Martin, Chairman; Parr, Vice-Chairman; Berkeley, Hardin, Parrish.

Constitutional Amendments: Hornsby, Chairman; Woodul, Vice-Chairman; DeBerry, Moore, Parr, Patton, Russek, Stevenson, Wirtz.

Contingent Expenses: Gainer, Chairman; Parrish, Vice-Chairman; Berkeley, Greer, Holbrook, Neal, Parr, Small, Williamson.

Commerce and Manufacture: Greer, Chairman; Moore, Vice-Chairman; Beck, Hyer, Martin, Neal, Parrish, Pollard, Thomason, Westbrook, Witt.

Congressional Districts: Martin, Chairman; Beck, Vice-Chairman; Moore, Patton, Small, Woodul.

Criminal Jurisprudence: Miller, Chairman; Witt, Vice-Chairman; Cunningham, Gainer, Hyer, Hornsby, Martin, Parr, Patton, Thomason, Wirtz.

Educational Affairs: Neal, Chairman; Hornsby, Vice-Chairman; Greer, Hyer, Cunningham, Miller, Patton, Parr, Russek, Moore, Westbrook, Witt.

Engrossed Bills: Westbrook, Chairman; Miller, Vice-Chairman; Parr.

Enrolled Bills: Witt, Chairman; Moore, Vice-Chairman; Wirtz.

Federal Relations: Love, Chairman; Pollard, Vice-Chairman; Greer, Neal, McFarlane, Parrish, Wirtz.

Finance: Pollard, Chairman; Parrish, Vice-Chairman; Gainer, Hardin, Hyer, Hornsby, Miller, Patton, Small, Thomason, Westbrook, Wirtz, Witt.

Insurance: Moore, Chairman; Holbrook, Vice-Chairman; Beck, DeBerry, Hornsby, Miller, Pollard, Witt, Woodard.

Internal Improvements: Love, Chairman; Cunningham, Vice-Chairman; Beck, Greer, Martin, Moore, Parr, Stevenson, Woodul.

Judicial Districts: Patton, Chairman; Hardin, Vice-Chairman; Berkeley, Gainer, Martin, McFarlane, Neal, Small, Woodul.

Labor: Westbrook, Chairman; McFarlane, Vice-Chairman; Hardin, Hyer, Miller, Stevenson, Thomason.

Mining, Irrigation and Drainage: Stevenson, Chairman; Parrish, Vice-Chairman; Gainer, Hyer, Parr, Small, Wirtz.

Military Affairs: Woodul, Chairman; Love, Vice-Chairman; Gainer,

Hyer, Beck, Moore, Patton, Russek, Witt.

Nominations by Governor: Williamson, Chairman; DeBerry, Vice-Chairman; Beck, Gainer, Love, Moore, Patton, Woodward, Parrish.

Privileges and Elections: Holbrook, Chairman; Martin, Vice-Chairman; Gainer, Patton, Pollard, Small, Wirtz, Russek.

Public Buildings and Grounds: Thomason, Chairman; Greer, Vice-Chairman; Hardin, Love, McFarlane, Neal, Patton.

Public Printing: Parrish, Chairman; Thomason, Vice-Chairman; Cunningham, Greer, Hardin, Hyer, Holbrook, Russek, Small.

Public Lands and Land Office: Small, Chairman; Berkeley, Vice-Chairman; Cunningham, Gainer, Holbrook, Moore, Parrish, Westbrook, Woodward.

Public Health: Beck, Chairman; Berkeley, Vice-Chairman; Hyer, Hardin, Holbrook, Hornsby, Miller, Moore, Small, Wirtz.

Public Debts: Patton, Chairman; Neal, Vice-Chairman; Beck, Gainer, Greer, Moore, Pollard, Small, Stevenson, Witt.

Representative Districts: DeBerry, Chairman; Patton, Vice-Chairman; Berkeley, Love, Moore, Williamson, Woodward.

State Highways and Motor Traffic: Witt, Chairman; Hyer, Vice-Chairman; DeBerry, Martin, McFarlane, Moore, Parr, Russek, Small, Stevenson, Williamson.

Rules: Hardin, Chairman; Wirtz, Vice-Chairman; Miller, Parr, Small.

Senatorial Districts: DeBerry, Chairman; Westbrook, Vice-Chairman; Cunningham, Love, Pollard, Woodward.

State Affairs: Wirtz, Chairman; Miller, Vice-Chairman; Hardin, Hornsby, Holbrook, Moore, Parr, Patton, Russek, Small, Witt, Woodward, Westbrook.

State Institutions and Departments: Hyer, Chairman; Woodward, Vice-Chairman; DeBerry, Hornsby, Love, Martin, Neal, Pollard, Russek, Gainer, Thomason.

State Penitentiaries: McFarlane, Chairman; Williamson, Vice-Chairman; DeBerry, Hornsby, Miller, Martin, Russek, Small, Stevenson, Wirtz, Witt, Woodul, Beck.

Stock and Stock Raising: Parr, Chairman; Stevenson, Vice-Chairman; Beck, Berkeley, Hyer, Hardin,

McFarlane, Parrish, Patton, Westbrook, Williamson, Woodward.

Town and City Corporations: Berkeley, Chairman; Russek, Vice-Chairman; DeBerry, Gainer, Williamson, Witt, Woodward, Woodul.

Recess.

On motion of Senator Wirtz, the Senate recessed until 3 o'clock p. m.

After Recess.

The Senate was called to order at 3 o'clock p. m., pursuant to recess by Lieutenant Governor Barry Miller.

Bills and Resolutions.

By Senator Hornsby:

S. B. No. 7, A bill to be entitled "An Act to repeal all laws authorizing the sale of minerals in University lands or the making of mineral leases on any of said lands."

Read first time and referred to Committee on Public Lands and Land Office.

Committee Reports.

(See Appendix.)

Senate Bill No. 1.

Senator Pollard received unanimous consent to take up:

S. B. No. 1, A bill to be entitled "An Act appropriating \$185,000.00 for mileage and per diem expenses of the Forty-first Legislature, and declaring an emergency."

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its second reading, by the following vote:

Yeas—23.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	

Absent.

Hardin.	Westbrook.
Love.	Witt.
Russek.	Woodward.
Thomason.	

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent.

Hardin.	Thomason.
Love.	Witt.
Patton.	

The bill was read third time and passed finally by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

Hardin.	Thomason.
Love.	

Bills and Resolutions.

By Senator Berkley:

S. B. No. 8, A bill to be entitled "An Act fixing the open season for hunting or killing Black Tail Deer in that part of the State west of the

Pecos River; limiting and restricting the killing of such deer during said open season in said territory; prescribing the penalty for violating any provision of this Act; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Berkeley:

S. B. No. 9, A bill to be entitled, "An Act to create the One Hundred and Ninth Judicial District of Texas, and to designate the counties constituting said district, and fixing the time for holding court therein; reorganize the Seventieth Judicial District of Texas, and designate the counties constituting said district and fixing the time for holding court in the various counties of said district; providing that the present judge of said Seventieth Judicial District of Texas shall be the District Attorney of the One Hundred and Ninth Judicial District of Texas, until the next general election, and his successors shall have been elected and qualified; providing for the appointment of a judge for the newly created One Hundred and Ninth Judicial District of Texas, and for the appointment of a District Attorney for the Seventieth Judicial District of Texas as herein constituted at the next general election in this state, each two years thereafter; validating all process, writs, bonds, and recognizances of every kind and character heretofore issued, or entered into, and all grand and petit jurors selected and drawn under the existing laws by the various counties affected by this act and described, that same shall be returnable, and said jurors serve for the next term of court in the various counties affected after the taking effect of this Act; providing that if any term of court shall be in session in any county in the former Seventieth Judicial District of Texas at the time of the taking effect of this Act, same shall continue in session until adjournment of the term, and thereafter the term of court in such county shall be held in conformity with this Act; providing for the repeal of all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Hyer:

S. B. No. 10, A bill to be entitled "An Act to amend Article 651 of the Code of Criminal Procedure of the State of Texas of 1925, so as to provide that defendants jointly or separately indicted for an offense growing out of the same transaction shall, in the discretion of the trial court be placed on trial, either jointly or separately; providing for separate verdicts as to each defendant; and permitting all defendants jointly tried to testify to any relevant facts; and repealing Articles 650, 652, 653, 654, and 711 of the Code of Criminal Procedure of this State as revised in 1925, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Hyer:

S. B. No. 11, A bill to be entitled "An Act to amend Article 417 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that where there are one or more persons for the same act or transaction or for two or more actions or transactions of the same class of crimes or offenses which may be properly joined, the whole may be joined in one indictment in separate counts, charging separate offenses, and a conviction may be secured for each offense in the same trial under the same indictment, providing for judgment and sentence for each offense; providing for the manner of returning verdicts by the jury; providing that failure to reach a verdict on any count shall not be a bar to judgment on counts on which verdict is returned; providing for numbering the counts of indictments; and providing that in the event defendant is found guilty of more than one count and an appeal is taken to the Court of Criminal Appeals, if the court desires to affirm as to one or more counts and reverse as to one or more counts, the judgment shall so specify and mandates issue accordingly; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Hyer:

S. B. No. 12, A bill to be entitled "An Act to amend Article 710 of the Code of Criminal Procedure of the

State of Texas, as revised in 1925, so as to provide that any defendant in a criminal action shall be permitted to testify in his own behalf; and provided that when there are two or more persons jointly charged or indicted and tried separately that the privilege of testifying therein shall be extended only to the party on trial; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Hyer:

S. B. No. 13, A bill to be entitled "An Act to amend Section 1 of Article 326g, Chapter 74, Title 15, Revised Civil Statutes of 1927, providing for increase of salaries of one assistant district attorney and one stenographer in certain counties, and repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 14, A bill to be entitled "An Act requiring freedom of conscience in all political parties nominating candidates for office in this State; and declaring to be against public policy, and unlawful and void and of no effect, any party pledge or test or agreement in so far as it may limit or interfere with the right of a voter participating as a voter in the primary election or convention of a party, thereafter to vote in accordance with the dictates of conscience at the general election, and providing that no such party pledge or test or agreements shall ever be construed by any executive committee or court to limit the voter's conscience or to bind the voter to cast a vote against conscience and limiting the power of a State Executive Committee of a political party and repealing all laws in conflict with this act, and declaring an emergency."

Read first time and referred to the Committee on Privileges and Elections.

By Senator Love:

S. B. No. 15, A bill to be entitled "An Act to amend Art. 207 of the Penal Code of the State of Texas, which provides that a county chairman or member of a county executive committee failing or refusing to

have the name of a candidate, lawfully certified to him, printed on the official primary election ballot, shall be confined in the penitentiary not less than one nor more than five years, so as to provide that violations of said Article may be prosecuted in any county in which voters reside who are lawfully entitled to vote for or against the candidate whose name is omitted from the official ballot, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Love:

S. B. No. 16, A bill to be entitled "An Act to amend Article 230, of the Penal Code of the State of Texas which provides that any judge, clerk, chairman or member of an executive committee, collector of taxes, county clerk, sheriff, county judge or judge of an election, president or member of a state convention, or Secretary of State who wilfully fails or refuses to discharge any duty imposed upon him under the law, shall be fined not to exceed five hundred dollars, so as to provide that violation of said article may be prosecuted in any county in which voters reside who are lawfully entitled to vote for or against any candidate whose nomination or election is affected by such violation, and declaring an emergency."

Read first time and referred to the Committee on Privileges and Elections.

By Senator Love:

S. B. No. 17, A bill to be entitled "An Act making an appropriation for the State available school fund for the years ending August 31, 1930, and August 31, 1931, respectively, sufficient in amount to provide for the apportionment from said fund of the sum of sixteen dollars per capita of the scholastic population of the State for each of said years."

Read first and referred to Committee on Finance.

By Senator Love:

S. B. No. 18, A bill to be entitled "An Act to amend Article 2902, R. S. 1925, fixing the scholastic age of pupils in the public free school by reducing the minimum school age to six years, and repealing all laws and parts of laws in conflict therewith."

Read first time and referred to the Committee on Education.

By Senator Love:

S. B. No. 19, A bill to be entitled "An Act to amend Article 7257 of the Revised Civil Statutes of 1925, so as to provide that tax collectors shall give receipt for taxes paid, providing the form and content of such receipts, and providing that taxes shall be collected in chronological order in which levied and assessed, prohibiting collectors from receiving payment of taxes for any year if taxes remain unpaid for any prior year; and further providing that any receipt for taxes shall be conclusive evidence of full payment of all taxes of all years prior to and including year that receipt shows taxes paid; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 20, A bill to be entitled "An Act making an emergency appropriation of three hundred thousand (\$300,000.00) dollars to provide for the immediate construction of two dormitories at the A. and M. College of Texas."

Read first time and referred to Committee on Finance.

By Senator Love:

S. B. No. 21, A bill to be entitled "An Act to amend Chapter 181 of the General Laws of the Fortieth Legislature of the State of Texas, (regular session) providing for the classification of elementary and high schools by the county board of school trustees, providing for free tuition for certain high school students; and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Love:

S. B. No. 22, A bill to be entitled "An Act prescribing and fixing the number of hours that shall constitute a legal day's work on all work being performed by or on behalf of any county, municipality, or other legal or political subdivision of said State; etc."

Read first time and referred to Committee on Labor.

By Senator Love:

S. B. No. 23, A bill to be entitled "An Act repealing Art. 4a and Art.

4b of the Code of Criminal Procedure of Texas, said articles constituting what is known as the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Love:

S. B. No. 24, A bill to be entitled "An Act repealing Articles 727a of the Code of Criminal Procedure of the State of Texas, said Article constituting what is known as the Evidence Clause of the Search and Seizure Act passed by the Thirty-ninth Legislature of the State of Texas, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Love:

S. B. No. 25, A bill to be entitled "An Act fixing the salary of the stenographers of the courts of Civil Appeals of this state, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 26, A bill to be entitled "An Act providing additional compensation for the chief deputy clerk for the Courts of Civil Appeals of this State to be paid from fees collected by the clerks of said courts, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hornsby:

S. B. No. 27, A bill to be entitled "An Act regulating the slaughter and sale of the meat of animals for market and providing that every person engaged in the occupation of a butcher or slaughterer of cattle in this State shall file a bond to be approved by the county judge of the county in which he desires to carry on such business; etc., and declaring an emergency."

Read first time and referred to the Committee on Stock and Stock Raising.

By Senator Love:

S. J. R. No. 1, Proposing an amendment to Section 1, Article 8, of the Constitution of the State of Texas

by providing therein that the Residence Homestead as now defined by the Constitution of this State and five hundred dollars (\$500.00) worth of household and kitchen furniture belonging to each family in this state shall be exempt from taxation for State purposes and shall not be subject to a State Tax., etc.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Love:

S. J. R. No. 2, Proposing to amend the Constitution of the State of Texas by adopting a new section which shall provide that the supreme court of Texas may sit at any time during the year for the transaction of business, and that its terms shall begin and end with each calendar year, and repealing existing provisions in conflict therewith.

Read first time and referred to Committee on Constitutional Amendments.

By Senator Love:

S. J. R. No. 3, Proposing to amend Section 5 of Article 4 of the Constitution of the State so as to provide that the Governor shall receive as compensation for his services an annual salary of twelve thousand (\$12,000.00) dollars and no more, and providing for an election upon such proposed amendment and making an appropriation therefor.

Read first time and referred to Committee on Constitutional Amendments.

• Adjournment

On motion of Senator Patton, the Senate, at 3:25 o'clock, adjourned until 10 o'clock Wednesday morning.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 8, 1928.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred,

S. B. No. 1, A bill to be entitled "An Act to make an appropriation of the sum of one hundred eighty-

five thousand (\$185,000.00) dollars, or so much thereof as may be necessary, payable out of the General Revenue of the State of Texas, not otherwise appropriated, to pay the mileage and per diem of members and to pay the salaries and per diem of officers and employees of the 41st Legislature of the State of Texas, and to pay the contingent expenses of the Regular Session of the 41st Legislature of the State of Texas, and to pay any unpaid expenses incurred by the 40th Legislature of the State of Texas, and providing for the approval of accounts and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate that same do pass and be not printed.

POLLARD, Chairman

SECOND DAY.

Senate Chamber,
Austin, Texas,

Wednesday, January 9, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)